

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Michael King	Team: Team # 6	CCRB Case #: 200510534	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Saturday, 09/03/2005 6:35 PM	Location of Incident: § 87(2)(b) in Brooklyn	Precinct: 67	18 Mo. SOL 3/3/2007	EO SOL 3/3/2007	
Date/Time CV Reported Sat, 09/03/2005 7:41 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 09/08/2005 1:29 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Erik Worobey	10614	932229	067 PCT
2. An officer			067 PCT
3. POM Fakrul Islam	27327	932815	067 PCT
4. POM Mark Vazquez	29928	933447	067 PCT
5. POM Daniel Insogna	28713	925500	067 PCT
6. POM Michael Rivera	19144	927423	067 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Robert Ward	01618	911838	067 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Erik Worobey	Abuse: PO Erik Worobey stopped and questioned § 87(2)(b)	
B.POM Michael Rivera	Force: PO Michael Rivera used pepper spray against § 87(2)(b)	
C.POM Mark Vazquez	Force: PO Mark Vazquez struck § 87(2)(b) with an asp.	
D. An officer	Force: An officer used a chokehold against § 87(2)(b)	
E. An officer	Force: An officer used physical force against § 87(2)(b)	
F.POM Erik Worobey	Force: PO Erik Worobey used physical force against § 87(2)(b)	
G.POM Fakrul Islam	Force: PO Fakrul Islam used physical force against § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
H.POM Daniel Insogna	Force: PO Daniel Insogna used physical force against § 87(2)(b)	
I. An officer	Force: An officer used pepper spray against § 87(2)(b)	
J. An officer	Discourtesy: An officer spoke rudely to § 87(2)(b)	
K. An officer	Discourtesy: An officer spoke obscenely and rudely to § 87(2)(b) at the 67th Precinct station house.	

Synopsis

At approximately 6:35 PM on September 3, 2005, § 87(2)(b) set up a table with merchandise for sale in front of § 87(2)(b) located at § 87(2)(b) in Brooklyn. § 87(2)(b) had no vending license for the table. PO Erik Worobey of the 67th Precinct, acting under the supervision of Sgt. Robert Ward of the 67th Precinct, approached § 87(2)(b) and requested to see his permit (allegation A). § 87(2)(b) confirmed that he had no license. Officers proceeded to confiscate the merchandise when § 87(2)(b) attempted to retrieve some of the merchandise and fled into the store. PO Michael Rivera and PO Mark Vazquez of the 67th Precinct followed § 87(2)(b) into the store in order to arrest him for obstructing governmental administration. § 87(2)(b) resisted the arrest and PO Rivera discharged pepper spray (allegation B). PO Vazquez struck § 87(2)(b) one time with his asp (allegation C), causing no injury. § 87(2)(b) alleged that an officer placed him in a chokehold during the struggle (allegation D). § 87(2)(b) the daughter of § 87(2)(b) alleged that an unidentified female officer slapped her once in the face while § 87(2)(b) was being arrested (allegation E).

At the same time, § 87(2)(b) exited the store and attempted to retrieve some of the merchandise from the table as well, at which time PO Worobey arrested her § 87(2)(a) 160.50. He used minor physical force to handcuff § 87(2)(b) which resulted in no injury (allegation F). While PO Worobey arrested § 87(2)(b), § 87(2)(b), § 87(2)(b) a relative of the § 87(2)(b) exited the store and approached PO Worobey in a menacing manner, telling him to release § 87(2)(b). PO Fakrul Islam and PO Daniel Insogna of the 67th Precinct intervened and used physical force to arrest § 87(2)(b) § 87(2)(a) 160.50 (allegations G and H). No injury resulted.

The officers removed § 87(2)(b) from the store. § 87(2)(b), § 87(2)(b)'s brother and owner of the store, alleges he came to the scene and was pepper sprayed by an unidentified officer as the officers escorted § 87(2)(b) out of the store (allegation I). All of the arrested individuals were transported to the 67th Precinct. § 87(2)(b) alleged that an unidentified officer spoke rudely to her in the van (allegation J). § 87(2)(b) alleged that at the station house, an unidentified officer repeatedly spoke rudely to § 87(2)(b) (allegation K). § 87(2)(b) was transported to § 87(2)(b) in the custody of the NYPD on § 87(2)(b) for treatment regarding his diabetic condition. § 87(2)(g)

Inv. Olofunke Awosogba conducted the investigation of this complaint; the undersigned drafted the closing report.

Summary of Complaint

§ 87(2)(b) § 87(2)(b) § 87(2)(b) provided a statement to medical personnel at § 87(2)(b) on September 4, 2005 (enclosure 16a) as well as on September 8, 2005 (enclosure 16b). § 87(2)(b) was interviewed by the CCRB on September 20, 2005 (enclosure 17a-17d) in the presence of his attorney, § 87(2)(b). He was also interviewed by the CCRB on February 2, 2006 (enclosure 18a-18c), at which time he viewed a photographic array (enclosure 19a-19an). The statements are summarized as follows.

At approximately 6:30 PM on September 3, 2005, § 87(2)(b) was at his family-owned store, § 87(2)(b) § 87(2)(b) in Brooklyn). § 87(2)(b) § 87(2)(b)'s wife), their § 87(2)(b) daughter, and several other family members § 87(2)(b) and his two other brothers) were also there. Several other businesses were located on the same block, as it is a commercial district. According to § 87(2)(b) the store displays their merchandise on the sidewalk in front of the store every Labor Day weekend.

§ 87(2)(b) was placing merchandise outside when he observed a marked police van with uniformed officers parked across the street. Approximately eight police officers walked towards the store. PO Erik Worobey (identified in the photographic array and described as a 5'7" 140-pound Italian male with short black hair) and PO1 (a 5' 160-pound Hispanic male with short black hair) carried white plastic bags with them. Approximately four officers removed merchandise off the two tables set up in front of the store – specifically, steering wheels, mouse pads, cups, dog tags, flags, license plates, sunglasses, and hats. In § 87(2)(b)'s first statement, he claimed that he entered the store to assist customers and did not interact

with the officers until the officers entered the store. Instead, a customer identified only as § 87(2)(b) informed the officers who owned the store. § 87(2)(b) went outside to speak with the officers to find out what was going on; the officers requested the license for the store and § 87(2)(b) complied. § 87(2)(g) § 87(2)(b)'s second statement indicated that he did not enter the store, but rather spoke to the officers as they removed items, asking why they were removing the merchandise. An officer responded that § 87(2)(b) was not supposed to have items outside the store. § 87(2)(b) called his brother, § 87(2)(b) who came immediately to the store. While § 87(2)(b) spoke with the officers, § 87(2)(b) entered the store and attended to customers of the store.

According to § 87(2)(b)'s first statement, PO Worobey pushed the entrance door of the store open, knocking § 87(2)(b) onto his back. § 87(2)(g) § 87(2)(b)'s second statement indicated that § 87(2)(b) stood approximately six to eight feet from the front entrance when the officers entered the store. PO Worobey and several officers pushed him on his back and he moved two steps forward. § 87(2)(b) asked PO Worobey why he pushed him. PO Worobey, PO1, and PO2 (a 5'4" 160-pound Asian male with brown hair) pepper-sprayed § 87(2)(b). § 87(2)(b) repeatedly told the officers he had diabetes and was sick. PO1 pushed § 87(2)(b) onto the ground. § 87(2)(b) tried to wipe the pepper spray from his eyes. PO2 grabbed one of § 87(2)(b)'s feet while PO Worobey grabbed a foot and knee, pulling them back. At the same time, PO1 used a chokehold against § 87(2)(b) by placing his arm around § 87(2)(b)'s neck. One of the officers stepped on § 87(2)(b)'s foot, kicking his foot and hitting him with a nightstick. In his statement to medical personnel on September 8, 2005 (enclosure 16b), § 87(2)(b) alleged that the officers threw him to the ground, that an officer stepped on his neck, and that an officer hit him on the back and leg with a nightstick.

A crowd of customers gathered very close to the officers and yelled, "You're gonna kill him." The officers, specifically PO Worobey, responded, "Shut the fuck up." The officers handcuffed § 87(2)(b) and removed him to the marked van, where he was seated in the back row. § 87(2)(b) alleged that PO3 continued to hit § 87(2)(b)'s neck with a nightstick after he was handcuffed and lifted off the ground.

In § 87(2)(b)'s first statement, he indicated that he asked PO Worobey if he could go to the hospital and PO Worobey responded, "soon, soon." § 87(2)(g) § 87(2)(b)'s second statement alleged that upon asking to be taken to the hospital, the officers responded, "shut up." The officers transported § 87(2)(b) to the 67th Precinct station house, where he again asked for medical treatment but the officers ignored him. PO Worobey removed § 87(2)(b) from the van, told him to open his eyes, and threw a bucket of water in his eyes. PO Worobey then processed § 87(2)(b)'s arrest. § 87(2)(b) who was also at the station house, asked for medical treatment but did not receive it. § 87(2)(b) claimed to have no interactions with any officers at the station house. He was released the following day between 4 PM and 5 PM.

In § 87(2)(b)'s first statement, he claimed to have observed an officer pepper spraying § 87(2)(b) however, § 87(2)(b)'s second statement indicated that he did not observe such an incident, but was told of it afterwards.

After being released, § 87(2)(b) went to § 87(2)(b). He did not complain of any injuries resulting from force used by officers; his chief complaint was that he needed medication for diabetes.

§ 87(2)(b) did not identify any officers other than PO Worobey in the photographic array.

Results of Investigation

§ 87(2)(b)

§ 87(2)(b) provided a statement to medical personnel at § 87(2)(b) on September 8, 2005 (enclosure 21a). She was interviewed by the CCRB on September 20, 2005 (enclosure 22a-22d) and February 2, 2006 (enclosure 23a-23b) when she was shown a photographic array (enclosure 24a-24an). The statements are summarized as follows.

According to § 87(2)(b) she went to the § 87(2)(b) store after she left work. While the officers removed items from one of the tables outside the store, § 87(2)(b) removed items from the other table and started to take them into the store. § 87(2)(g) § 87(2)(b) claimed that § 87(2)(b) spoke with the officers while she packed up the table to take the items inside. One of the officers said, "arrest her," at which time PO1 (a 5'5" white male with a medium build) placed § 87(2)(b)'s arms behind her back, escorted her to a nearby car, and placed her facedown on the car and handcuffed her. In

her second statement, § 87(2)(b) claimed that PO1 requested that another officer assist him and that two officers handcuffed her.

§ 87(2)(b) heard her nephew, § 87(2)(b) telling officers to let go of him. She looked over and saw him facedown on the ground with one officer on his back and another officer on his legs. § 87(2)(b) was then escorted to the van followed by § 87(2)(b). § 87(2)(b) asked the officer to loosen the handcuffs, but he did not. In her first statement, § 87(2)(b) alleged that as she sat down in the car, PO1 “slammed” the door against her forehead. § 87(2)(g) § 87(2)(b) s second statement indicated that officers pushed her into the van, causing her forehead to strike the brim of the van. § 87(2)(b) asked again for the officer to loosen the handcuffs, but he “slammed” the door against her forehead a second time.

§ 87(2)(b) sat in the van for approximately eight minutes when she saw § 87(2)(b) stagger out of the store as if he were drunk; his eyes appeared red. Three officers entered the van and one officer made a comment that § 87(2)(b) could not recall. She told the officer not to say that about § 87(2)(b) but the unidentified officer responded, “You’re all animals.” § 87(2)(b) replied, “You are the animal.” § 87(2)(g) the officers did not place him inside the van; § 87(2)(b) claimed that one of the officers stated, “I don’t want want him § 87(2)(b) in here.” § 87(2)(b) and § 87(2)(b) were then transported to the 67th Precinct station house.

En route, the driver told § 87(2)(b) that he would loosen the handcuffs once they got to the station house, and he did so. § 87(2)(b) repeatedly asked to go to the hospital, but nobody took her. § 87(2)(b) also repeatedly asked for medical attention for § 87(2)(b) but to no avail. § 87(2)(b) went to Central Booking on September 4 at 11 AM and was released on September 5, 2005 at 12 noon.

§ 87(2)(b) did not identify any officers in the photographic array.

§ 87(2)(b)

§ 87(2)(b) was interviewed by the CCRB on September 20, 2005 (enclosure 26a-26d) and shown a photographic array on February 2, 2006 (enclosures 27a-27b and 28a-28ah). During the second statement, § 87(2)(b) provided to the CCRB a series of photographs taken during the incident by various unidentified customers and described what was occurring in the photographs. The statements are summarized as follows.

According to § 87(2)(b) he was outside the store speaking with an electrician about fixing the sign on the storefront. After speaking with the electrician, § 87(2)(b) went upstairs to take care of business matters. His daughter, § 87(2)(b) came upstairs and informed him that police officers were downstairs and § 87(2)(b) went to see what was happening. Two officers were removing merchandise from tables outside the store and § 87(2)(b) asked them if they wanted to see his permit. The officers asked § 87(2)(b) who he was and for his identification. § 87(2)(b) sent a friend of his named “§ 87(2)(b) inside to retrieve his identification. There were five officers present at this time.

In his first statement to the CCRB, § 87(2)(b) claimed that his brother § 87(2)(b) was inside the store along with an indeterminate amount of customers. § 87(2)(g) § 87(2)(b) s second statement indicated that § 87(2)(b) was removing merchandise from the tables along with his wife, § 87(2)(b) While they were doing this, one of the officers yelled, “Get them.”

In his first statement, § 87(2)(b) alleged that one of the officers pushed the door open and lunged at § 87(2)(b) In his second statement, § 87(2)(b) claimed that an officer pushed § 87(2)(b) while he was holding merchandise six feet into the store, eventually forcing him to the ground. The officer did so by grabbing the collar of § 87(2)(b) s shirt. According to § 87(2)(b) s first statement, one officer pepper sprayed § 87(2)(b) another officer kicked § 87(2)(b) and struck § 87(2)(b) s foot with a nightstick. § 87(2)(b) tried to back up, but the officers “beat him back down to the ground.” § 87(2)(b) s second statement indicated that three officers pepper sprayed § 87(2)(b) One officer, Sgt. Robert Ward (identified in the photographic array by § 87(2)(b) struck § 87(2)(b) with an asp on the left side of his abdomen while another officer had § 87(2)(b) in a chokehold with his arm around § 87(2)(b) s neck. Sgt. Ward also kicked § 87(2)(b) twice on his calves.

§ 87(2)(b) yelled that § 87(2)(b) was diabetic and sick. Four to five officers surrounded § 87(2)(b) and handcuffed him. According to § 87(2)(b) s first statement, an unidentified officer pepper sprayed § 87(2)(b) in the face while § 87(2)(b) was being arrested. In his second statement, § 87(2)(b) indicated that the officers were exiting the store with § 87(2)(b) when one of the officers turned around and pepper sprayed § 87(2)(b) in the face. § 87(2)(b) s wife, § 87(2)(b) took him upstairs to wash out his eyes. They remained upstairs for 10-15 minutes, at which time they went back downstairs. § 87(2)(b) and the officers had left by that time. An ambulance was on the scene and an EMT asked § 87(2)(b) if he wanted medical treatment, though he declined.

§ 87(2)(b) went to the 67th Precinct station house and started calling numerous individuals about what had happened. He brought his daughter, § 87(2)(b) to the station house, because he alleged that a female officer hit her in the jaw, causing her braces to scar the inside of her mouth. § 87(2)(b) did not witness this himself.

The next day at approximately 7:30 PM, § 87(2)(b) noticed a police van with vehicle number 5477 parked outside a greeting card store near his store. § 87(2)(b) walked up to the van and said to the driver, “you’re the one who pepper sprayed me.” The officer in the passenger seat replied, “yeah, yeah, go back to your weed store.” § 87(2)(b) identified Sgt. Ward as the officer who made the “weed store” statement.

§ 87(2)(b) provided no descriptions of any of the officers.

§ 87(2)(b)

§ 87(2)(b) identified herself to the CCRB as the individual who called 911 and reported that officers were going to “kill” somebody at the store during the incident (enclosure 15a-15b). She was interviewed by the CCRB on February 2, 2006 (enclosure 34a-34b), at which time she was also shown a photographic array (enclosure 35a-35an).

According to § 87(2)(b) three officers entered the store while other officers spoke with § 87(2)(b) in front of the store. § 87(2)(b) turned around and saw § 87(2)(b) on the ground in the middle of the store. Two officers, PO2 and PO3, were restraining § 87(2)(b) while a third officer, PO1, hit § 87(2)(b) on his legs with a nightstick. PO2 or PO3 had § 87(2)(b) in a headlock while the officer knelt beside § 87(2)(b) and held § 87(2)(b) with his hands. § 87(2)(b) never saw any officers pepper spray § 87(2)(b). She told PO1 that § 87(2)(b) was sick and suffered from diabetes. PO1 ordered § 87(2)(b) to get back and raised his nightstick at her. § 87(2)(b) stepped back and continued to tell PO1 that he was going to kill § 87(2)(b). PO1 continued to hit § 87(2)(b)’s legs with the nightstick and also stepped on him. An elderly male who was in the store also objected to the officers’ actions, stating, “You can’t do that!” An unidentified officer pushed the elderly male against a wall of DVDs. At this point, § 87(2)(b) called 911 to report what was occurring. She reported that officers were choking and killing her brother, though she hung up the phone when asked for the address of the location. An African-American male officer (PO4) entered the store and § 87(2)(b) told the officer what was happening. He told her to calm down. The other officers then escorted § 87(2)(b) out of the store. While exiting the store, one of the officers pepper sprayed § 87(2)(b). § 87(2)(b) rushed § 87(2)(b) upstairs to wash out his eyes, which took about 20-30 minutes. After washing out his eyes, they returned to the first floor, but the officers had left the location. § 87(2)(b) told § 87(2)(b) that a white female officer had slapped her. § 87(2)(b) did not see any injuries to § 87(2)(b) at that time.

§ 87(2)(b) could not identify any of the officers from a photographic array.

§ 87(2)(b)

§ 87(2)(b) the § 87(2)(b) daughter of § 87(2)(b) and § 87(2)(b) provided a statement to medical personnel at § 87(2)(b) on § 87(2)(b) (enclosure 29). She was interviewed by the CCRB on February 2, 2005 (enclosure 30a-30c).

According to § 87(2)(b) she was present when the officers approached the store. § 87(2)(b) started collecting merchandise from the tables and told § 87(2)(b) to do the same, which she did. She heard § 87(2)(b) speak with the officers, telling them that he made the merchandise and had legal authority to sell the items. § 87(2)(b) and § 87(2)(b) continued to remove the merchandise when officers told them to “Back off.” Someone went to get § 87(2)(b) and he came to the scene within a minute. § 87(2)(b) kept going in and out of the store until unidentified officers grabbed her. She told the officers not to grab her and shrugged her shoulders to free herself. The officers then handcuffed § 87(2)(b) in that same spot and not at a parked car, as alleged by § 87(2)(b). At this time, § 87(2)(b) also known as “§ 87(2)(b)” came to the scene and asked § 87(2)(b) what was happening. § 87(2)(b) walked over to § 87(2)(b) who was surrounded by four officers. Officers then threw § 87(2)(b) to the ground. He tried to get up, but the officers kicked him and shook him by the shoulders.

At this time, § 87(2)(b) tried to go back to the store but PO1 (a 5’5-9” white female with an average build and in her 30s) blocked the doorway of the store so that nobody could enter. § 87(2)(b) saw a man on the floor and thought it was her father. § 87(2)(b) told PO1, “This is my dad’s fucking store. Why won’t you let me the fuck in? That’s my fucking dad on the floor.” PO1 repeated that nobody could enter the store. People behind § 87(2)(b) started pushing and § 87(2)(b) was pushed towards PO1. PO1 then hit § 87(2)(b) on the jaw. In her medical records, § 87(2)(b) claimed that she was slapped on the right side of her face, causing

§ 87(2)(b)'s braces to cut her inner gums. § 87(2)(b) was never arrested and she did not indicate what occurred after the officer slapped her.

§ 87(2)(b)

§ 87(2)(b) was interviewed by the CCRB on September 20, 2005 (enclosure 31a-31d) and February 22, 2006 (enclosure 32a-32c). The two statements are summarized as follows.

§ 87(2)(g) she attempted to remove merchandise from a table outside the store when officers escorted her to a parked car, placed her against the car, and handcuffed her. Upon seeing this, § 87(2)(b) approached the officers and asked the officers what they were doing to his aunt. PO1 (whom § 87(2)(b) could not describe) grabbed § 87(2)(b)'s arms, turned him around, and threw him facedown on the ground. PO1 and PO2 (described as a stocky white male with black hair) handcuffed § 87(2)(b). One of the officers had his knee on § 87(2)(b)'s back during the handcuffing. The officers then escorted § 87(2)(b) and § 87(2)(b) to the van. § 87(2)(b) was placed inside the van first. § 87(2)(b) asked the officer to loosen her handcuffs, but the officer pushed § 87(2)(b) into the van, causing § 87(2)(b) to hit her temple on the top of the van door. Another group of officers escorted § 87(2)(b) to the same van, but then placed him in a different van when learning that § 87(2)(b) and § 87(2)(b) were married to each other. § 87(2)(b) and § 87(2)(b) waited in the van for about five to ten minutes, at which time they were driven to the 67th Precinct station house.

At the station house, § 87(2)(b) asked for medical assistance regarding § 87(2)(b)'s diabetic condition for more than half an hour. PO5, a female officer whom § 87(2)(b) could not describe further, as he only heard her voice, repeatedly told § 87(2)(b) "Shut the fuck up."

PO Erik Worobey

PO Worobey had the following memo book entries (enclosure 42a-42c). At 6:40 PM, three arrests were made at E. 49th Street and § 87(2)(b), § 87(2)(b), § 87(2)(b), § 87(2)(b), § 87(2)(b) and § 87(2)(b). At 10:40 PM, property (jewelry) was given to § 87(2)(b).

PO Worobey prepared the complaint and arrest reports for § 87(2)(b), § 87(2)(b), and § 87(2)(b). Complaint report § 87(2)(b) (enclosure 36a-36b) indicated that at 6:40 PM in front of § 87(2)(b), § 87(2)(b), § 87(2)(a) 160.50. In the details section, PO Worobey stated: § 87(2)(a) 160.50

Arrest report § 87(2)(b) (enclosure 37a-37c) detailed § 87(2)(b)'s arrest. PO Worobey charged § 87(2)(b) with § 87(2)(a) 160.50

In the details section, PO Worobey stated: § 87(2)(a) 160.50

§ 87(2)(b)'s condition was listed as "apparently normal." PO Worobey indicated that physical force was used to prevent escape.

Complaint report § 87(2)(b) (enclosure 38a-38b) indicated that at 6:38 PM in front of § 87(2)(b), § 87(2)(b), § 87(2)(a) 160.50. In the narrative section, PO Worobey stated: § 87(2)(a) 160.50

Arrest report § 87(2)(b) (enclosure 39a-39c) detailed § 87(2)(b)'s arrest, for which PO Worobey charged her § 87(2)(a) 160.50

§ 87(2)(g)

PO Worobey indicated that physical force was used to prevent escape.

Complaint report § 87(2)(b) (enclosure 40a-40b) indicated that at 6:40 PM, § 87(2)(b), § 87(2)(a) 160.50 in front of § 87(2)(b). In the narrative section, PO Worobey stated: § 87(2)(a) 160.50

Arrest report § 87(2)(b) (enclosure 41a-41c) indicated that PO

Worobey charged § 87(2)(b) § 87(2)(a) 160.50
§ 87(2)(a) 160.50 PO
Worobey indicated that physical force was used to prevent escape.

PO Worobey was interviewed at the CCRB on June 7, 2006 (enclosure 43a-43b). On September 3, 2005, PO Worobey worked with Sgt. Ward, PO Islam, PO Rivera, PO Vazquez, and PO Insogna in marked police van 5777 or 5577 assigned to patrol the “Jump Up” celebration in Brooklyn, specifically, peddler enforcement. Upon approaching § 87(2)(b) and § 87(2)(b) PO Worobey observed § 87(2)(b) standing behind a table set up in front of § 87(2)(b). The table had steering wheel covers, flags, and wristbands on it for sale. The table was two feet from the storefront and went five feet into the sidewalk. PO Worobey approached § 87(2)(b) and asked him for a vendor’s permit, but § 87(2)(b) could not produce it. Sgt. Ward, PO Rivera, and PO Vazquez began to place the merchandise into clear peddler bags. § 87(2)(b) grabbed some of the merchandise from the bags and fled into § 87(2)(b). No other individuals assisted § 87(2)(b).

Sgt. Ward, PO Rivera, and PO Vazquez followed § 87(2)(b) into the store while PO Worobey stayed outside and placed the merchandise into the bags. § 87(2)(b) exited the store and started to take some of the property from the peddler bags. PO Worobey started to handcuff § 87(2)(b) when § 87(2)(b) § 87(2)(b) exited the store, ran towards PO Worobey with a closed fist raised to his ear, and screamed, “Get off of her. Don’t touch her. Let her go.” PO Worobey turned his body sideways and bent his arm over his face to protect himself. PO Islam and PO Insogna intervened and arrested § 87(2)(b) before he was able to strike PO Worobey. § 87(2)(b) was on the ground when he was handcuffed, though PO Worobey did not know how he ended up on the ground. PO Worobey finished handcuffing § 87(2)(b) and escorted her to the patrol van. PO Worobey could not recall whether § 87(2)(b) complained of the handcuffs being too tight or if her head ever struck the patrol van door.

After placing § 87(2)(b) in the van, PO Worobey went back to the store. Sgt. Ward, PO Rivera, and PO Vazquez escorted § 87(2)(b) out of the store in handcuffs. A large crowd had gathered in front of the store, though PO Worobey did not recall if a male claiming to be a relative of § 87(2)(b) s being present. PO Worobey took possession of three peddler bags and filled out a voucher for them. PO Worobey denied ever discharging his pepper spray or using a chokehold. PO Worobey denied that § 87(2)(b) or § 87(2)(b) requested medical attention.

On September 4, 2005, PO Worobey was assigned to a patrol van with three other officers he could not recall. PO Worobey recalled driving past § 87(2)(b). A male exited the store and approached the van, taking a picture of the van with his cellular phone. However, there was no conversation between the male and the officers.

PO Mark Vazquez

PO Vazquez had no memo book entries regarding this incident (enclosure 44a-44b).

PO Vazquez was interviewed at the CCRB on June 21, 2006 (enclosure 45a-45b). § 87(2)(g)
He added the following details. PO Vazquez recalled § 87(2)(b) selling items to four people on the sidewalk as the officers approached. When the officers started to confiscate the items, § 87(2)(b) grabbed a pole of bracelets from one of the officers and ran into the store. PO Vazquez and PO Rivera, who stood a few steps from § 87(2)(b) followed him into the store, ordering § 87(2)(b) to stop. § 87(2)(b) dropped the pole and threw a 5-foot tall rack of cds at the officers. PO Vazquez’s radio fell out of its holder and he went to retrieve it losing sight of PO Rivera and § 87(2)(b). After retrieving his radio, PO Vazquez approached with his asp removed. He smelled pepper spray, but could not tell if anybody was affected by it. A crowd of people was in the store screaming, but PO Vazquez could not recall what they were screaming. § 87(2)(b) did not appear to be affected by the pepper spray, as he resisted PO Rivera’s attempts to bend his arms behind his back. PO Vazquez struck him on the right side of his lower body once, causing § 87(2)(b) to release his arm. PO Vazquez put away his asp and the officers then handcuffed § 87(2)(b) with Sgt. Ward’s assistance. PO Vazquez denied hitting § 87(2)(b) in the face or on the chest, and denied repeatedly stepping on § 87(2)(b) s foot. He denied that any officers hit § 87(2)(b) while he was handcuffed.

Once § 87(2)(b) was handcuffed, PO Vazquez lifted § 87(2)(b) from the ground, but could not recall who escorted § 87(2)(b) out of the store. PO Vazquez followed the officers and § 87(2)(b) out of the store and left the scene in a patrol car. PO Vazquez denied that a young female civilian ever approached him and complained of being slapped by an officer. § 87(2)(b) never asked for medical

treatment, nor did he appear to be injured. PO Vazquez did not recall any males in the store claiming to be the store owner. After the incident, PO Vazquez escorted PO Rivera to the hospital.

PO Michael Rivera

PO Rivera had the following memo book entries (enclosure 46a-46c). At 6:40 PM, PO Worobey made an arrest. At § 87(2)(b), PO Rivera was treated at § 87(2)(b) by § 87(2)(b) for a contusion to his left wrist and left ribs. He went line-of-duty.

PO Rivera was interviewed at the CCRB on June 22, 2006 (enclosure 47a-47b). According to PO Rivera, § 87(2)(b) pushed PO Rivera and PO Vazquez's hands away as they attempted to remove merchandise. PO Rivera grabbed § 87(2)(b)'s wrist to arrest him when § 87(2)(b) exited the store, pulled § 87(2)(b) from the officers into the store, and then cursed at the officers. Officers attempted to arrest § 87(2)(b) but he fled into the store. PO Rivera denied that any officers pushed § 87(2)(b) into the store. PO Rivera and PO Vazquez entered the store along with another unidentified officer. Inside the store, § 87(2)(b) threw a cd rack at the officers. In response, PO Rivera pepper sprayed § 87(2)(b) at close range. § 87(2)(b) walked to the back of the store. PO Rivera ordered § 87(2)(b) to stop, but he did not until reaching the back of the store. A crowd gathered inside the store.

PO Rivera followed § 87(2)(b) and attempted to arrest him with PO Vazquez's assistance. PO Rivera grabbed § 87(2)(b) by one of his arms and forced him to the ground facedown. PO Rivera fell to the floor to the left of § 87(2)(b). § 87(2)(b) kept his arms tucked tightly under his body while the officers tried to pull his arms behind his back to handcuff him. The struggle lasted for a couple of minutes until PO Rivera finally handcuffed § 87(2)(b). PO Rivera never learned that § 87(2)(b) had a medical condition. He denied that any of the civilians inside of the store claimed to be a relative of § 87(2)(b)'s or the owner of the store. PO Rivera denied ever punching § 87(2)(b) or striking him with his nightstick. He denied using a chokehold against § 87(2)(b). He was unaware if any other officer hit § 87(2)(b) with a nightstick or kicked him.

PO Rivera escorted § 87(2)(b) to a patrol car without incident. PO Rivera denied that any other officers discharged pepper spray while the officers exited the store. PO Rivera could not recall if § 87(2)(b) ever asked for medical condition while in his presence.

PO Fakzul Islam

PO Islam had no memo book entries regarding this incident (enclosure 50a-50c).

PO Islam was interviewed at the CCRB on June 22, 2006 (enclosure 51a-51b). During the initial part of the incident, PO Islam and PO Insogna remained by the patrol van. According to PO Islam, PO Rivera and PO Vazquez also stood by the van at the start of the incident. When § 87(2)(b) tried to take the merchandise and fled into the store, PO Rivera and PO Vazquez followed him into the store.

A few moments later, § 87(2)(b) exited the store and started taking merchandise out of the peddler bags. PO Worobey arrested § 87(2)(b) without incident and started to escort her to the van. § 87(2)(b) exited the store and tried to attack PO Worobey with a closed fist raised in the air. PO Islam and PO Insogna stopped § 87(2)(b) by grabbing his hands and forcing him to the ground. PO Islam could not recall how the officers forced § 87(2)(b) to the ground. The two officers handcuffed § 87(2)(b) but PO Islam could not recall if § 87(2)(b) resisted. One of the officers then placed § 87(2)(b) in the van and PO Islam and PO Insogna remained in the van. PO Islam never entered the store. He could not recall if any of the prisoners ever asked for medical treatment.

PO Daniel Insogna

PO Insogna had no memo book entries regarding this incident (enclosure 48a).

PO Insogna was interviewed at the CCRB on June 27, 2006 (enclosure 49a-49b). § 87(2)(g) He added the following details. While PO Worobey arrested § 87(2)(b), § 87(2)(b) walked towards PO Worobey with a closed fist raised above his ear. § 87(2)(b) was about four feet from PO Worobey when PO Islam and PO Insogna intervened by grabbing § 87(2)(b)'s arms. The officers pulled him to the ground and handcuffed him; § 87(2)(b) resisted being handcuffed by moving his arms. They then escorted § 87(2)(b) to the patrol van. PO Insogna did not know who escorted § 87(2)(b) to the van, but he did not see § 87(2)(b) hit her head against the van. PO Insogna denied that any officers called the civilians "animals." PO Insogna never entered the store. He did not see any injuries on any of the arrested parties, nor did he hear any of them complain of injuries.

Additional Officers

§ 87(2)(g)

Medical Records

§ 87(2)(b) received medical treatment at § 87(2)(b) on § 87(2)(b) while in the custody of the NYPD (enclosure 52a-52n). His only complaint was that he needed medication for diabetes. He did not allege any force on the part of the NYPD. He was given glucotrol (a diabetes medication) and discharged back into the custody of the NYPD.

§ 87(2)(b) sought additional medical treatment at § 87(2)(b) or § 87(2)(b) (enclosure 52a-52n). He complained of being pepper sprayed, thrown to the ground, and an officer stepping on his neck. He also alleged that an officer hit him on his back and legs, causing injury and pain. X-rays found no fractures. No bruising or lacerations were noted to his body.

§ 87(2)(b) sought medical treatment at § 87(2)(b) on § 87(2)(b) (enclosure 53a-53f). She complained of pain to her right wrist, though she did not specify what caused the pain other than to say she was “assaulted” by the NYPD during the arrest. X-rays found no fractures to her right wrist and forearm.

§ 87(2)(b) sought medical treatment at § 87(2)(b) on § 87(2)(b) (enclosure 54a-54f). She complained of being slapped on the right side of her face by a female officer. Redness and swelling were noted. She was discharged as having a “superficial laceration to right upper lip.”

NYPD Records

A detail roster sheet for the “Jump Up” celebration (enclosure 57a-57c) confirmed that Sgt. Ward supervised PO Worobey, PO Islam, PO Vazquez, PO Rivera, and PO Insogna in mobile response van 5477.

SPRINT § 87(2)(b) (enclosure 55a-55c) indicated that an officer requested back-up at 6:34 PM. One arrest was made at 6:37 PM.

SPRINT § 87(2)(b) (enclosure 56c) detailed an anonymous 911 call requesting that officers respond to § 87(2)(b) at 6:35 PM. The male caller hung up before providing any additional information.

SPRINT § 87(2)(b) (enclosure 56a) detailed a 911 call made by an anonymous female caller. The caller claimed that officers were “choking” and “killing” her brother. A patrol supervisor was directed to respond to the location.

The 67th Precinct command log (enclosure 58) indicated that § 87(2)(b), § 87(2)(b), and § 87(2)(b) were present at the command desk at 6:40 PM. They were all listed as being in “apparently normal” condition. They were transported to Brooklyn Central Booking at 11:25 AM the following day.

Voucher § 87(2)(b) (enclosure 59) indicated that steering wheel covers, flags, and wrist bands were confiscated from § 87(2)(b) as peddler property.

Disposition of Arrests

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Criminal Conviction Histories

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian CCRB Histories

This is the first and only CCRB complaint for all of the civilians (enclosures 8-12).

Officer CCRB Histories

None of the officers have any substantiated CCRB allegations (enclosures 3-7).

Conclusions and Recommendations

Officer Identification

All of the officers confirmed that PO Worobey stopped and questioned § 87(2)(b) regarding a vendor license. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(b). The officer statements indicated that PO Rivera used pepper spray against § 87(2)(b) and PO Vazquez struck § 87(2)(b) with a nightstick once; the two officers then used physical force to handcuff § 87(2)(b) § 87(2)(g)

§ 87(2)(b) did not identify in the photographic array which officer allegedly used a chokehold against him. All of the officers denied that a chokehold was used. § 87(2)(g)

§ 87(2)(b) claimed that a white female officer standing in the doorway of the store slapped § 87(2)(b) in the face. § 87(2)(g). NYPD records indicated that no female officers were present on the scene. § 87(2)(g)

PO Worobey confirmed that he arrested § 87(2)(b) PO Islam and PO Insogna corroborated this identification. § 87(2)(g)

PO Islam and PO Insogna identified themselves as the officers who used force to arrest § 87(2)(b) § 87(2)(g).

In photographic arrays, § 87(2)(b) and § 87(2)(b) failed to identify who allegedly used pepper spray against him. The officers denied the allegation. § 87(2)(g)

§ 87(2)(b) and § 87(2)(b) provided no description of the officer who allegedly spoke discourteously to § 87(2)(b) in the van or at the station house. § 87(2)(g)

Undisputed Facts

A table with merchandise was established in front of § 87(2)(b) and officers requested a vendor permit from § 87(2)(b) which he did not have. Officers began confiscating the merchandise from the table. § 87(2)(b) entered the store, as did several officers. § 87(2)(b) exited the store and began to take items from the tables into the store when she was arrested. While she was being arrested, § 87(2)(b) approached the incident and officers forced him to the ground and handcuffed him.

Inside § 87(2)(b) an officer used pepper spray against § 87(2)(b) and another officer struck him at least one time with an asp. The officers handcuffed § 87(2)(b) and removed him from the store. § 87(2)(b), § 87(2)(b), and § 87(2)(b) were transported to the 67th Precinct station house. § 87(2)(b) and § 87(2)(b) sought medical treatment at § 87(2)(b) on § 87(2)(b).

Disputed Issues

§ 87(2)(b) alleged that officers pushed him into the store, that an officer struck him with an asp and stepped on his foot, that another officer used a chokehold against him, and that officers continued to hit him after he was handcuffed. The officers denied that a chokehold was used. They claimed that § 87(2)(b) attempted to remove items from the table and brought them into the store with the officers following him. The officers also alleged that § 87(2)(b) threw a cd display at the officers prior to the use of physical force by the officers.

§ 87(2)(b) alleged that he came down to the store and that an unidentified officer pepper sprayed him in the face. § 87(2)(b), § 87(2)(g).

§ 87(2)(b) alleged that a white female officer slapped her in the face during the incident. § 87(2)(g)

§ 87(2)(b) alleged that an unidentified officer told her, "You're all animals." She provided no description of the subject officer and did not reiterate the complaint in her second CCRB statement. § 87(2)(g)

§ 87(2)(b) alleged that an unidentified officer at the station house repeatedly told § 87(2)(b) to “Shut the fuck up.” § 87(2)(g)

§ 87(2)(b) and § 87(2)(b) alleged that they requested medical attention at the station house for § 87(2)(b)'s diabetic condition. PO Worobey, the arresting officer, denied the allegation.

Credibility

§ 87(2)(b), § 87(2)(g)

Determination of Fact

§ 87(2)(b), § 87(2)(g)

Allegations Not Pleaded

§ 87(2)(b), § 87(2)(g)

Allegation A. Abuse of Authority – PO Erik Worobey stopped and questioned § 87(2)(b)

The New York City Department of Consumer Affairs (enclosure 1a-1b) and the NYC Administrative Code require that vendors have permits in order to sell merchandise on the sidewalks of the City's roads, streets, and avenues. § 87(2)(g)

§ 87(2)(g)

Allegation B. Force – PO Michael Rivera used pepper spray against § 87(2)(b)

Patrol Guide procedure 203-11 (enclosure 2a-2b) directs officers to use the minimum necessary force and to use non-lethal alternatives to effect an arrest. § 87(2)(b), § 87(2)(g)

Allegation C. Force – PO Mark Vazquez struck § 87(2)(b) with an asp.

§ 87(2)(b), § 87(2)(g)

Allegation D. Force – An officer used a chokehold against § 87(2)(b)

§ 87(2)(b), § 87(2)(g)

Allegation E. Force – An officer used physical force against § 87(2)(b)

§ 87(2)(b), § 87(2)(g)

Allegation F. Force – PO Erik Worobey used physical force against § 87(2)(b)

§ 87(2)(b), § 87(2)(g)

Allegation G. Force – PO Fakrul Islam used physical force against § 87(2)(b)

Allegation H. Force – PO Daniel Insogna used physical force against § 87(2)(b)

§ 87(2)(b), § 87(2)(g)

. Patrol Guide Procedure 203-11 (enclosure 2a-2b) directs officers to use the minimum necessary force in order to

handcuff a civilian as soon as possible. § 87(2)(b), § 87(2)(g)

Allegation I. Force – An officer used pepper spray against § 87(2)(b).
§ 87(2)(b), § 87(2)(g)

Allegation J. Discourtesy – An officer spoke rudely to § 87(2)(b).
§ 87(2)(b) alleged that an officer stated to her, “You’re all animals” while she was in the van.
§ 87(2)(b), § 87(2)(g) § 87(2)(b)
provided no description of the officer who made the alleged comment. § 87(2)(b), § 87(2)(g)

Allegation K. Discourtesy – An officer spoke obscenely and rudely to § 87(2)(b) at the 67th Precinct station house.
§ 87(2)(b) claimed that an unidentified officer repeatedly told § 87(2)(b) to “shut the fuck up” while she was at the station house. § 87(2)(b) made no such allegation in any of her statements.
§ 87(2)(b), § 87(2)(g)

Investigator:	Date:
Supervisor:	Date:
Reviewed by:	Date:
Reviewed by:	Date: